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REMARKS

The office action and the newly applied Crutchfield reference have been carefully considered together with the claims that are pending in this application. It is noted that claims 1, 3-5, 10 and 12 have been rejected under 35 U.S.C. 102(b) as being anticipated by Crutchfield and the remaining claims 6-9 and 11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Crutchfield in view of von Hollen. While the disposition of claims indicates that claims 1-12 are rejected, claim 2 is not included in paragraph 3 as being anticipated, although paragraph No. 5 refers to claim 2 and it is assumed that it is rejected as being anticipated by Crutchfield.

Referring initially to claim 1, Crutchfield fails to anticipate, teach or suggest this claim. Claim 1 claims a control mechanism for a rotary hand tool that includes, *inter alia*, a light touch switch having at least a first position and a second position coupled to said electrical control circuit for selectively enabling or disabling said control circuit to turn the motor on and off wherein the motor current does not flow through said switch. While the examiner contends in paragraph 4 that Crutchfield meets the claim language and particularly the language "wherein said motor current does not flow through said switch" 28, this is believed to be erroneous and contrary to the explicit description in the Crutchfield patent.

More particularly, the abstract states that a rectifier device is operatively connected to receive the AC voltage from the wall outlet and provide a DC output to the DC motor. A switch assembly is operatively connected between the output of the rectifier device and the DC motor. Moreover, at column 4, lines 27-45, describes the

circuitry of Crutchfield and more particularly at lines 34-40 it states that "the 115-120 volt AC from the wall outlet is provided through electrical cord 20 to the rectifier means 76 which then provides the 115-120 volt DC for the DC motor. Microswitch device 78 which is slidably received in a predetermined portion of front mounted assembly 62 is operatively connected between the output of the rectifier means 76 and the DC motor 26." Not only that, the final element of claim 1 on column 7, lines 40-42 states a switch assembly operatively connected between said output from said rectifier means and an input to said 115-120 volt DC motor.

While there is no specific circuit diagram, there can be no ambiguity from these recitations that the switch is connected in circuit between the motor and the rectifier and therefore the motor current necessarily flows through the switch which is totally opposite from the language of the claim.

It is not surprising that Crutchfield would have his switch in circuit with the DC motor because it is a simple small electrical erasing machine for presumably erasing ink or pencil marks from writing materials such as paper or the like and there is very little load being applied to the eraser motor. For all of these reasons, it is believed that claim 1 should be allowed and such action is respectfully requested.

It is also noted that independent claim 10 also includes the recitation that the switch is configured so that said motor current does not pass through the switch contacts during operation of the motor and it is similarly not anticipated, taught or suggest for the reasons set forth above. Reconsideration and allowance of this claim is also respectfully requested.

The dependent claims necessarily incorporate the subject matter of the independent claims from which they depend and in addition add other features and/or functionality that are not found in the independent claims and for this reason the dependent claims are also believed to be in condition for immediate allowance.

Respectfully submitted,

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